

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

In Re Ex Parte Application of Porsche	:	CIVIL ACTION NUMBER:
Automobil Holding SE for an Order	:	
Pursuant to 18 U.S.C. § 1782 Granting	:	3:15-mc-00183 (VLB)
Leave to Obtain Discovery for Use in	:	
Foreign Proceedings,	:	January 4, 2016

ORDER GRANTING EX PARTE APPLICATION PURSUANT TO 28 U.S.C. § 1782

WHEREAS, Applicant Porsche Automobil Holding SE (“PSE”), a German holding company organized under the laws of the European Union and Germany, is a defendant in a civil action filed on March 2, 2015, by 32 large investors (“the German Plaintiffs”), and pending in a German court (“the German Action”), ECF 2-23 (Meier Decl.) at ¶¶ 1, 3, 5, 20;

WHEREAS, Impala Asset Management LLC, Impala Asset Advisors LLC, and Point72 Asset Management (“Respondents”) are investment managers or a general partner of the German Plaintiffs, ECF No. 2-1 (Ex. A);

WHEREAS, each Respondent has a principal place of business in the District of Connecticut, *id.*;

WHEREAS, Applicant PSE seeks an *ex parte* order pursuant to 28 U.S.C. § 1782, permitting it to obtain limited discovery from Respondents to defend against the German Action, including to assert a defense pursuant to Section 826 of the German Civil Code, ECF Nos. 1 (Application); 6 (Supp.);

WHEREAS, the Application, as supplemented by the supporting affidavit, exhibits, and memorandum of law, satisfies the prerequisite to the entry of an *ex parte* discovery order pursuant 28 U.S.C. § 1782;

WHEREAS, any Respondent may file an objection to or motion to quash an *ex parte* discovery order, see *Gushlak v. Gushlak*, 486 F. App'x 215, 217 (2d Cir. 2012);

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Application for an *ex parte* discovery order is GRANTED to the extent permitted by applicable law, see, e.g., *Pershing Pac. W., LLC v. MarineMax, Inc.*, No. 10-CV-1345-L DHB, 2013 WL 941617, at *9 (S.D. Cal. Mar. 11, 2013), *on reconsideration in part*, No. 10-CV-1345-L DHB, 2013 WL 1628938 (S.D. Cal. Apr. 16, 2013); see also German Federal Data Protection Act, § 43.

Any Respondent may file a good faith objection or motion to quash or vacate the order together with an affidavit(s) and memorandum of law establishing entitlement to the relief sought within thirty (30) days of the date of this order and seek an expedited hearing.

/s/
Vanessa L. Bryant
United States District Judge

Dated in Hartford, Connecticut on January 4, 2016.